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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,740	02/22/2002	Irwin Kotovsky	KOTOV-14	8291

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EXAMINER

CARIASO, ALAN B

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/084,740

Applicant(s)

KOTOVSKY, IRWIN

Examiner

Alan Cariaso

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-11 and 15-18 is/are rejected.
- 7) ☒ Claim(s) 12-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Receipt of applicant's response filed August 22, 2005 is acknowledged. Claims 1-4 and 6-18 are pending, of which claims 4 and 16 are amended.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6-11, 15, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over GOEBEL (US 2,625,646) in view of NILSEN (US 4,835,915).
4. GOEBEL discloses an apparatus (figs.15-16) for lighting a room from the room ceiling comprising: means (64) for lighting at least one lamp (64), one yoke (62,63) which holds the lamp (64), the lamp (64) being either a low voltage or a line voltage; and a housing (unit D) for holding the lamp (64), the housing (unit D) having an outer surface (9, fig.15 or 5, figs.1 or 12) made of at least plastic, glass or synthetic (col.4, lines 50-65; col.5, lines 69-70), the housing (unit D or units A-C) having a first wall (framework 1 with borders 3 & 4, col.4, lines 34-45), a second wall in spaced relation opposing and in parallel with the first wall, a third wall connected to and in perpendicular relation with the first wall and second wall; and a fourth wall connected to and in perpendicular relation with the first wall and the second wall and in spaced relation and

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in parallel with the third wall (col.4, lines 34-45); wherein the housing (1 or units A-D) includes an interior (fig.16), and an outer layer (9 or 5) positioned about the interior (fig.16), the outer layer (9,5) having the outer surface (9,5), the outer layer made of at least plastic, glass or synthetic (col.4, lines 63-65); wherein the housing has a rectangular shape (fig.15); wherein the lighting means (64) includes at least a second lamp (61); wherein the lighting means (64) includes a gimbal ring assembly (63) having the yoke (fig.16) for holding the lamp (64); wherein the first, second, third and fourth walls (1) have corners (1c, fig.10) which are mitered, butted or overlapped (col.4, lines 45-49); wherein the outer layer (5,9) is formed of plates (5,9) that contact the first, second, third and fourth walls (col.4, lines 37-45); wherein the plates (5,9) are regressed, flush (figs.13,16) or protruding (fig.9) with respect to the housing circumference (1); wherein the plates (5,9) are fixed, interchangeable or removable (col.4, lines 44-45,50-51,68-75); wherein the housing is surface mounted (fig.9), suspended (fig.8), semi-recessed or recessed (fig.15) from the ceiling; and given the lighting apparatus, GOEBEL provides the steps of placing the outer layer (5,9) made of at least plastic or glass (col.4, lines 63-65 or lines 50-75) about an interior made of at least metal (col.4, lines 37-49), and introducing a lamp socket connected to a ballast adjacent the housing (col.8, lines 33-40) for either a low voltage or line voltage lamp (64,61,41); placing and adjusting (fig.16) a yoke (63) in the housing for holding the lamp (64) in the housing (fig.16).

5. However, GOEBEL does not disclose: one transformer electrically connected to the lamp (64), and the second lamp being either a low voltage or line voltage lamp.

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NILSSEN teaches a line-voltage system of plural fixtures or diverse lamps (fig.1) that includes a transformer (HFT) electrically connected to a low voltage or incandescent lamp (TLIL) for the purpose of operating the incandescent lamp at the correct power level from the same power line operating connected fluorescent lamps (MFL, TLFL) and corresponding ballasts (MHFB, SHFB). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the lighting fixture assembly of GOEBEL to include the type of transformer as taught by NILSSEN in order to correctly operate the incandescent lamp at the right power level along with the line voltage fluorescent lamps requiring other power levels from the main power line source.

6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over NEWBOLD et al (US 6,357,891) in view of RIPPEL et al (US 6,632,006) and CHAN et al (US 5,562,343).

7. NEWBOLD discloses a lighting apparatus that gives way to a method of lighting a room comprising the step(s) of: attaching a housing (10-fig.1, 110-fig.3) having an interior (side wall inner layers 130a,132a-134a,136a,138a) made of metal or plastic (col.5, lines 55-60) and an outer layer (outer layers 30b,32b,34b,36b,130b,132b-134b,136b,138b) made of wood (col.5, lines 21-33) to a ceiling (12,112), the housing (figs.2 or 3) having a first wall (30 or 130), a second wall (34) in spaced relation opposing and in parallel with the first wall (30,130), a third wall (32) connected to and in perpendicular relation with the first wall (30,130) and second wall (34); and a fourth wall (36 or 136) connected to and in perpendicular relation with the first wall (30, 130) and

the second wall (34) and in spaced relation and in parallel with the third wall (32); and introducing a lamp socket (20,120 or illustrated in phantom in fig.3) in connection at least with any of various low voltage or line voltage lamps (col.4, lines 28-32). However, NEWBOLD does not disclose a transformer adjacent the housing and the lamp socket held by a gimbal ring assembly attached to the housing.

8. RIPPEL teaches a transformer or ballast (28, figs.3 & 5) adjacent to housing (15-fig.3 or 12-fig.5) for the purpose of locally connecting and operating the internal lamp (52). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the lighting apparatus of NEWBOLD et al to include a transformer adjacent the housing as taught by RIPPEL et al in order to locally connect and operate the internal lamp, where the location of the transformer is in a separate space from the lamp would be advantages to isolate and therefore spread the heat produced by each the lamp and transformer (col.2, lines 40-56).

9. CHAN teaches a housed lamp source being low or line voltage (col.5, lines 48-55) with accompanying transformer (col.5, lines 33-35) situated on an adjustable lamp holder assembly (20,20') that includes at least one ring member (23,29) allowing for both horizontal and vertical rotation (col.8, lines 36-59, col.9, lines 32-49, figs.3A,3B,5A,5B) for the purpose of having selectable lighting direction. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the lighting apparatus of NEWBOLD et al to include a gimbal ring assembly or adjustable lamp holder assembly as taught by CHAN et al in order to have selectively adjustable direction producing various area-lighting under or around the fixture.

Allowable Subject Matter

10. Claims 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Reasons for allowable subject matter has been stated in the last Office Action (filed 3/18/2005).

Response to Arguments

11. Applicant's arguments with respect to claims 1-4, 6-11 and 15-18 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. SETCHELL (US 2,372,857) shows line voltage discharge lamp (col.2, lines 28-30) and low voltage transformers (T1, T2, col.2, lines 51,55).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Cariaso whose telephone number is (571) 272-2366. The examiner can normally be reached on 9-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alan Cariaso
Primary Examiner
Art Unit 2875

AC
October 31, 2005